

ASSEMBLY BILL

No. 1688

Introduced by Assembly Member Jeffries

January 26, 2010

An act to amend Section 290 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as introduced, Jeffries. Sex offenders: disorderly conduct.

Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. Willful failure to register, as required, is a misdemeanor, or felony, depending on the underlying offense.

Existing law makes it a misdemeanor to use a concealed camcorder, motion picture camera, or photographic camera of any type to secretly videotape, film, photograph, or record by electronic means, another, identifiable person under or through the person's clothing, without the person's consent or knowledge, with specified intent, and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy.

This bill would require persons convicted of the above-mentioned misdemeanor to register pursuant to the Sex Offender Registration Act. Because this bill would create a new crime, and because additional persons would have to be registered as sex offenders by local officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code is amended to
2 read:

3 290. (a) Sections 290 to 290.023, inclusive, shall be known
4 and may be cited as the Sex Offender Registration Act. All
5 references to “the Act” in those sections are to the Sex Offender
6 Registration Act.

7 (b) Every person described in subdivision (c), for the rest of his
8 or her life while residing in California, or while attending school
9 or working in California, as described in Sections 290.002 and
10 290.01, shall be required to register with the chief of police of the
11 city in which he or she is residing, or the sheriff of the county if
12 he or she is residing in an unincorporated area or city that has no
13 police department, and, additionally, with the chief of police of a
14 campus of the University of California, the California State
15 University, or community college if he or she is residing upon the
16 campus or in any of its facilities, within five working days of
17 coming into, or changing his or her residence within, any city,
18 county, or city and county, or campus in which he or she
19 temporarily resides, and shall be required to register thereafter in
20 accordance with the Act.

21 (c) The following persons shall be required to register:

22 Any person who, since July 1, 1944, has been or is hereafter
23 convicted in any court in this state or in any federal or military
24 court of a violation of Section 187 committed in the perpetration,
25 or an attempt to perpetrate, rape or any act punishable under
26 Section 286, 288, 288a, or 289, Section 207 or 209 committed
27 with intent to violate Section 261, 286, 288, 288a, or 289, Section
28 220, except assault to commit mayhem, Section 243.4, paragraph
29 (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph

(1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, *paragraph (2) of subdivision (j) of Section 647*, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.